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SENATE RESOLUTION

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WHEREAS, Recent media reports indicate that since 2008, nearly \$10 million in State taxpayer funds has been awarded in workers' compensation payments to more than 230 employees at the Menard Correctional Center who contended they were injured through repetitive trauma caused by operating manual cell locking mechanisms; and

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WHEREAS, Recent media reports also indicate that approximately 25% of the arbitrators employed by the Illinois Workers' Compensation Commission ("Commission") have received workers' compensation awards, including nearly \$50,000 to the arbitrator who approved many of the workers' compensation settlements to the guards at the Menard Correctional Center; and

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WHEREAS, According to the Illinois Workers' Compensation Commission, many of these payments were "uncontested settlements" and information regarding the payments or process of awarding the payments is not included in a database maintained by the Commission, therefore, the public did not have access to these awards; and

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WHEREAS, The Department of Central Management Services, Risk Management Division has statutory responsibility to

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1 administer the Workers' Compensation Program for State of
2 Illinois agencies; and

3 WHEREAS, The Office of the Illinois Attorney General is
4 responsible for the defense of claims arising from work-related
5 injuries or diseases affecting State agency employees; and

6 WHEREAS, The Illinois Workers' Compensation Commission is
7 required to approve settlement agreements for uncontested
8 claims; therefore, be it

9 RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL
10 ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is
11 directed pursuant to Section 3-2 of the Illinois State Auditing
12 Act to conduct an audit of awards approved by the Illinois
13 Workers' Compensation Commission for claims filed by employees
14 of Menard Correctional Center and arbitrators employed by the
15 Commission from 2008 to the present; and be it further

16 RESOLVED, That the audit include, but not be limited to,
17 the following areas:

18 (1) A review of the processing of awards paid to
19 employees of Menard Correctional Center and other
20 correctional facilities, including procedures for
21 determining compensability and proper negotiation and

1 approval of settlements, and procedures followed to
2 maintain records of such settlements;

3 (2) A review of the processing of awards for
4 arbitrators of the Illinois Workers' Compensation
5 Commission, including procedures for determining
6 compensability and proper negotiation and approval of
7 settlements, and procedures followed to maintain records
8 of such settlements;

9 (3) A review of "uncontested claims" procedures
10 utilized by the Illinois Workers' Compensation Commission,
11 including the roles of the Illinois Department of Central
12 Management Services and the Illinois Attorney General,
13 with respect to approval of awards paid to Menard
14 Correctional Workers and Illinois Workers' Compensation
15 Commission arbitrators;

16 (4) Whether procedures followed by the Commission,
17 CMS, and the Attorney General's Office in processing
18 workers' compensation claims of Menard Correctional
19 Workers and Illinois Workers' Compensation Commission
20 arbitrators comply with applicable State laws and
21 administrative regulations;

22 (5) Whether appropriate safeguards are in place to
23 mitigate against payment of taxpayer dollars for improper
24 or fraudulent workers' compensation claims; and

25 (6) Whether procedures necessary to ensure public
26 transparency and accountability were implemented with

1 respect to the processing of the workers' compensation
2 claims of Menard Correctional Workers and arbitrators
3 employed by the Commission; and be it further

4 RESOLVED, That the Illinois Workers' Compensation
5 Commission and any other State agency, entity, or person that
6 may have information relevant to this audit cooperate fully and
7 promptly with the process; and be it further

8 RESOLVED, That the Auditor General commence this audit as
9 soon as possible and report his findings and recommendations
10 upon completion in accordance with the provisions of Section
11 3-14 of the Illinois State Auditing Act.